S.B. Criminal Misc. Bail Application No.3255/2006

Date : 01.08.2006

HON'BLE MR.SATYA PRAKASH PATHAK, J.

Mr. J.S. Choudhary for the applicant.

Mr. V.R. Mehta, Public Prosecutor.

I have heard learned counsel for the applicant as well as the learned Public Prosecutor for the State and carefully gone through the impugned order.

The contention of learned counsel for the applicant is that in this case the petitioner has got nothing to do with the vehicle from which the alleged contraband material was recovered. He submits that on the basis of statement of Prathvi Pal Singh, the applicant has been involved in the case, who stated that the vehicle in question was given on hire to the applicant on the day of the incident. According to learned counsel, an FIR (at page No.97 of the file)s was lodged by Prathvi Pal Singh himself wherein it was stated the vehicle in question was stolen from his house on 30.09.2005. He further

submits that had there been any incident that vehicle in question was given to the accused applicant, then, there was no occasion for Prathvipal Singh to have lodged the report. In last, he submits that except the statement of Prathvipal Singh there is nothing on record to connect the applicant with the crime.

On the other hand, learned Public Prosecutor has opposed the bail application.

I have considered the submissions made before me and carefully gone through the material available on record.

Taking into consideration the overall facts and circumstances of the present case, I am of the view that the applicant has made out a case for grant of bail.

Accordingly, the bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that the applicant

Purkha Ram son of Sona Ram shall be released on bail in CR No.184/2005 P.S. Gangrar, Chittorgarh, provided he executes a personal bond in the sum of Rs.30,000/- with two sound and solvent sureties in the sum of Rs.15,000/- each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(SATYA PRAKASH PATHAK), J.

vijayant